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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,667

11/21/2003

Andreas Kaszkin

Q78536

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23373 7590 08/21/2008
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EXAMINER

TRUONG, THANHNGA B

ART UNIT

PAPER NUMBER

2135

MAIL DATE

DELIVERY MODE

08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,667	Applicant(s) KASZKIN ET AL.	
	Examiner Thanhnga B. Truong	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the communication filed on May 6, 2008. Claims 1-7 are pending. Claims 8-12 are canceled by the applicant. At this time, claims 1-7 are rejected.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,507,856 B1), and further in view of Takagi et al (US 5, 109,152).

a. Referring to claim 1:

i. Chen teaches a process automation system, comprising:
(1) process devices that execute predetermined functions as part of the process automation and thereby exchange data that are relevant to at least one of the functions and the devices within the process automation system, wherein some but less than all of the data are exchanged in an encrypted form (**see Chen's abstract, Figures 5 and 6; column 3, lines 35-49; and column 4, lines 57-58 of Chen**).

ii. Although Chen teaches a process automation system, Chen is silent on the capability of showing wherein, in at least a first of the process devices, a communication device determines by hard wiring or programming which of transmission data are encrypted in an encryption device of the first process device, and wherein, in at least a second of the process devices, the communication device recognizes which of reception data are encrypted and decrypts the reception data in a decryption device of

the second process device. On the other hand, Takagi teaches these limitations in **Figure 9 and more details in column 1, lines 17-43, column 6, lines 35-45 of Takagi.**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chen with the teaching of Takagi for performs, between two communication devices, the confirmation of legitimacy of the communication partner and the implementation of confidentiality and recognition of transmitted messages **(column 1, lines 5-10 of Takagi).**

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chen with the teaching of Takagi for dynamically exchanging and merging documents **(column 1, lines 31-32 of Chen).**

b. Referring to claim 2:

i. Chen further teaches:

(1) wherein, of the data exchanged in the encrypted form, at least some of the same data are exchanged, in parallel, in unencrypted form **(column 3, lines 35-49 of Chen).**

c. Referring to claims 3-4:

i. Chen further teaches:

(1) wherein the encrypted data are exchanged with a lower priority in comparison with the unencrypted data **(column 3, lines 35-49; and column 4, lines 57-58 of Chen).**

d. Referring to claim 5:

i. Chen further teaches:

(1) wherein the process devices comprise memories that collect the encrypted data before the encrypted data are exchanged **(column 5, lines 35-50 of Chen).**

e. Referring to claim 7:

i. Chen teaches a process device for a process automation system, comprising:

(1) a function device executing predetermined functions as part of process automation; and a communication device connected to the function device and configured to connect into a process automation system for exchange of data, within the process automation system, that relate to at least one of the functions and the function device (**see Chen's abstract, Figures 5 and 6; column 3, lines 35-49; and column 4, lines 57-58 of Chen**),

ii. Although Chen teaches a process automation system, Chen is silent on the capability of showing wherein the communication device comprises an encryption device, a decryption device, and means for determining by hard wiring or programming which of transmission data are encrypted in the encryption device and means for recognizing which of reception data are encrypted and decrypting the encrypted reception data in the decryption device. On the other hand, Takagi teaches these limitations in **Figure 9 and more details in column 1, lines 17-43, column 6, lines 35-45 of Takagi**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chen with the teaching of Takagi for performs, between two communication devices, the confirmation of legitimacy of the communication partner and the implementation of confidentiality and recognition of transmitted messages (**column 1, lines 5-10 of Takagi**).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chen with the teaching of Takagi for dynamically exchanging and merging documents (**column 1, lines 31-32 of Chen**).

5. Claims 6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,507,856 B1), in view of Takagi et al (US 5,109,152), and further in view of Fiszman (US 6,115,646).

a. Referring to claim 6:

i. Although Chen teaches the claimed subject matter and the encoding process, Chen is silent on the capability of showing how the encoding process related to the authentication process. On the other hand, Takagi and Fiszman teaches:

(1) further comprising a central key administration that registers public encryption keys of the process devices and authenticates the public encryption keys with a private encryption key of the central key administration (**column 5, line 20 through column 6, line 12 of Takagi; and column 8, lines 34-40 and column 19, lines 54-59 of Fiszman**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chen with the teaching of Takagi and Fiszman for providing a process automation system for controlling the execution of processes on a plurality of processing nodes each having processing agents associated therewith (**column 3, lines 11-14 of Fiszman**).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chen with the teaching of Takagi and Fiszman for dynamically exchanging and merging documents (**column 1, lines 31-32 of Chen**).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/
Primary Examiner, Art Unit 2135

TBT
August 15, 2008